

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

NORMA RODRIGUEZ,

Plaintiff,

v.

PIERCE COUNTY, a municipal corporation
and local political subdivision of the State of
Washington,

Defendant.

Case No. C05-5140 RBL

ORDER TO SHOW CAUSE

THIS MATTER comes on before the above-entitled Court upon Defendant's Motion to Exclude Expert Witness and for Leave to Proceed with Medical Discovery [Dkt. #18].

Having considered the entirety of the records and file herein, the Court finds and rules as follows:

This is a civil rights case. Plaintiff generally alleges that she was subjected to sexual harassment by the Deputy Director of the Office of Personnel, and when she complained about it and other discriminatory practices engaged in by the defendant, she was retaliated against and constructively discharged. Defendants have filed the instant motion to exclude plaintiff's expert witness, Forensic Economist Robert Moss, on the grounds of late disclosure, and also seek further discovery of a non-disclosed behavioral medical specialist whom the defendant became aware of on January 17, 2006 upon review of plaintiff's medical records. The defendant also seeks leave to conduct a psychiatric IME.

Plaintiff has not responded to this motion which was properly noted for February 10, 2006. The local rules of this Court provide that "[i]f a party fails to file papers in opposition to a motion, such failure may be

1 considered by the court as an admission that the motion has merit.” CR 7(b)(2), Local Rules, W.D. Wash.
2 Because of the potential impact on plaintiff’s case caused by the exclusion of an expert damages witness, and
3 because of the potential of subjecting plaintiff to a psychiatric IME, this Court is hesitant to rule on defendant’s
4 motion without the benefit of plaintiff’s input. Therefore, it is hereby

5 **ORDERED** that plaintiff respond to defendant’s motion on or before February 27, 2006. The Court
6 will re-note the motion [Dkt. #18] for March 3, 2006. The failure of plaintiff to respond will result in the
7 granting of defendant’s motion.

8 The Clerk shall send uncertified copies of this order to all counsel of record, and to any party appearing
9 pro se.

10 Dated this 21st day of February, 2006.

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13 RONALD B. LEIGHTON
14 UNITED STATES DISTRICT JUDGE
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